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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,325	07/30/2001	Moshe Weiner	Q64356	9182

7590 02/27/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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Washington, DC 20037-3213

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/916,325

Applicant(s)

WEINER, MOSHE

Examiner

Temica M. Beamer

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-42 is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-25 and 43 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 15, 19-25 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Karve, U.S. Patent Pub. No. 2002/0137530.

Regarding claims 1, 19 and 43, Karve discloses a system/method for managing a session comprising: a first device (10) that is able to receive data from a data source (i.e., the device that originates the short message); a session management server (SMS center) (0007) connected to the first device through the telecommunication network and is connected to the data source through the data network (0009); and said session management server controls the flow of data from the data source to the first device (0009, 0028) and wherein the first device is used to control the session management

Art Unit: 2617

server (which reads on the first device giving forwarding directions to the SMS center, 0032).

Regarding claims 2 and 20, Karve discloses the session management system of claim 1, wherein the first device further comprises a control device that is used to control the session management server (0031, 0032).

Regarding claims 3-5, Karve discloses the session management system of claim 1, wherein the first device is a cellular phone, a personal data assistant and a personal computer (figure 1).

Regarding claim 6, Karve discloses the session management system of claim 1, wherein the data source is the Internet (0008).

Regarding claim 7, Karve discloses the session management system of claim 1, wherein the data source is a WAP gateway (0008).

Regarding claim 8, Karve discloses the session management system of claim 2, wherein the control device comprises at least one key (keypad) (0009, figure 1).

Regarding claim 9, Karve discloses the session management system of claim 8, wherein the at least one key is dedicated to control only the session management server (0009, figure 1).

Regarding claim 10, Karve discloses the session management system of claim 8, wherein the at least one key performs other functions in addition to controlling the session management server (0009, figure 1).

Regarding claim 11, Karve discloses the session management system of claim 1, further comprising a multimedia messaging server connected between the session management server and the data source (0012).

Regarding claim 12, Karve discloses the session management system of claim 1, further comprising an inherent cellular radio base station that connects the first device to the session management server (0023)

Regarding claim 15, Karve discloses the session management system of claim 1, wherein the session management server performs a data manipulation function (which reads on the routing of the message, 0009).

Regarding claim 21, Karve discloses the session management system of claim 19, wherein the session management server continues to receive data for the first device from the data source when the first device is involved in another session (as evidenced by the fact that the device has the capability to receive short messages, voice, etc., simultaneously).

Regarding claim 22, Karve discloses the session management system of claim 20, wherein the control device allows the first device to switch from one session to another session (0008).

Regarding claim 23, Karve discloses the session management system of claim 19, wherein one of the sessions is a data session and another session is a voice session (0008).

Regarding claim 24, Karve discloses the session management system of claim 19, wherein the session management server buffers data for the first device from the

Art Unit: 2617

data source when the first device is involved in another session (which reads on the message being stored in memory until the user is ready to retrieve the message, 0012).

Regarding claim 25, Karve discloses the session management system of claim 19, wherein the session management server controls the flow of data for the first device from the data source when the first device is involved in another session (0008).

4. Claims 26-36, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by applicant's own admission in the specification of the present invention.

Regarding claims 26-36, 40 and 41, the applicant teaches a convention system/apparatus that teaches the management session method as claimed in claims 26-36, 40 and 41 (specification, page 1, line 11-page 2, line 22).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karve.

Regarding claims 13 and 14, Karve discloses the session management system of claims 1 and 37 as described above.

Art Unit: 2617

Karve, however, fails to specifically disclose the limitations as described in claims 13 and 14. The examiner, contends, however, that the use of Bluetooth technology and modems are well-known in the art and the examiner takes official notice as such. Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify, Karve with the above limitations in order to provide for more flexible ways to transmit and receive voice/data calls.

Allowable Subject Matter

7. Claims 26-42 are allowed.
8. Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone

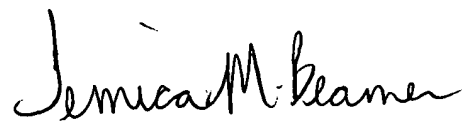
Art Unit: 2617

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Temica M. Beamer
Primary Examiner
Art Unit 2617

tmb


TEMICA BEAMER
PRIMARY EXAMINER